

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

MICHAEL W. SMITH

PLAINTIFF

VS

CIVIL ACTION NO: 2:12-cv-75-GHD-JMV

GAIL JACO, ET AL.

DEFENDANT

ORDER

This matter is before the court, *sua sponte*, for the purpose of obtaining a status update on the Plaintiff's ability to pay for the costs of his transportation to trial. Plaintiff is currently incarcerated in a Tennessee Department of Corrections Facility in Whiteville, Tennessee, and the trial is set in Oxford, Mississippi. This court has repeatedly asked the Plaintiff to inform the court of his financial situation so that a determination could be made on whether he is able to pay for his transportation costs to trial. However, the court has yet to receive a definitive response. If the Plaintiff is not able to pay his transportation costs, the court will undertake arrangements for his appearance at trial via video conference.

Accordingly, **IT IS ORDERED** that:

- (1) If *and only if* Plaintiff can attest to his ability to pay his estimated transportation costs¹ to the trial of this matter, Plaintiff should file a petition for a Writ of Habeas Corpus ad Testificandum within ten (10) days of this order. In such event, payment of the transportation costs will be required in advance of the trial; and
- (2) If Plaintiff is unable to attest to his ability to pay the necessary costs in advance, Plaintiff should not file a petition for a Writ of Habeas Corpus ad Testificandum within the aforementioned ten (10) day period. In that event, the

¹ At this time, the court cannot provide an exact estimate of the costs of transportation. However, such costs may amount up to \$2,000.

court will then move forward with securing Plaintiff's attendance at trial via video conference.

SO ORDERED, this the 4th day of August, 2014.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE